

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

ALLSTATE INSURANCE COMPANY,
ALLSTATE INDEMNITY COMPANY,
ALLSTATE FIRE & CASUALTY INSURANCE COMPANY,
AND
ALLSTATE PROPERTY & CASUALTY INSURANCE
COMPANY,

Plaintiffs,

vs.

BRADLEY PIERRE,
MEDICAL REIMBURSEMENT CONSULTANTS INC.,
MARVIN MOY, M.D.,
RUTLAND MEDICAL P.C.

d/b/a MEDICALNOW,
WILLIAM A. WEINER, D.O., AND
NEXRAY MEDICAL IMAGING, P.C.
d/b/a SOUL RADIOLOGY MEDICAL IMAGING,

Defendants.

C.A. No. 1:23-cv-06572-NGG-LB

Oral Argument Requested

Date of Service: February 15, 2024

**NOTICE OF PLAINTIFFS' MOTION FOR PREJUDGMENT ATTACHMENT ON
ASSETS OF DEFENDANT MARVIN MOY, M.D.**

Pursuant to Fed. R. Civ. P. 64 and New York Civil Practice Law and Rules ("C.P.L.R.") § 6201 and 6212, plaintiffs Allstate Insurance Company, Allstate Indemnity Company, Allstate Fire & Casualty Insurance Company, and Allstate Property & Casualty Insurance Company (collectively "Allstate"), by and through their attorneys, King, Tilden, McEttrick & Brink P.C., respectfully request that this Honorable Court enter a prejudgment writ of attachment against any and all real and personal property within this Court's jurisdiction standing in the name of or in which Moy holds any interest in certain amounts not exceeding \$3,929,433.00, including, but not limited to, any and all No-Fault payments collected by Rutland Medical, P.C. d/b/a MedicalNow—

of which Moy is the sole record owner—or its agents, including, but not limited to, such monies in the possession of Leon Kuchеровsky, Esq. or as deposited, or to be deposited in the future, by Attorney Kuchеровsky with the Nassau County Clerk in accordance with the order of the New York Supreme Court for Nassau County entered January 25, 2024 in the matter of *Kuchеровsky v. Rutland Medical P.C., et al.*, Index No. 609430/2023. Allstate also respectfully requests that this Court enter a prejudgment writ of attachment against any future monies paid to Rutland and its agents, including payments to Rutland on No-Fault claims that are to be collected or held by collection attorneys, law firms, billing and collections companies, and automobile insurers.

WHEREFORE, for all of the foregoing reasons, Allstate Insurance Company, Allstate Indemnity Company, Allstate Fire & Casualty Insurance Company, and Allstate Property & Casualty Insurance Company, respectfully request that this Court ORDER the prejudgment attachment and/or garnishment in the amounts specified herein.

The basis for this motion is set forth in the accompanying memorandum of law, the Affidavit of Michael Flaherty (filed herewith), and the Declaration of Michael W. Whitcher (filed herewith).

[SIGNATURE PAGE FOLLOWS]

Respectfully Submitted,

KING, TILDEN, MCETTRICK & BRINK, P.C.

/s/ Michael W. Whitcher

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Attorneys for the Plaintiffs,
Allstate Insurance Company,
Allstate Indemnity Company,
Allstate Property & Casualty Insurance Company,
and Allstate Fire and Casualty Insurance Company

Dated: February 15, 2024

CERTIFICATE OF SERVICE

I, Michael W. Whitcher, hereby certify that on February 15, 2024, I served copies of (1) Plaintiffs' Motion for Prejudgment Attachment of Assets as to Defendant Marvin Moy, M.D.; (2) Plaintiffs' Memorandum of Law in Support of Plaintiffs' Motion for Prejudgment Attachment of Assets as to Defendant Marvin Moy, M.D.; (3) Declaration of Michael W. Whitcher, Esq. and accompanying exhibits in Support of Plaintiffs' Motion for Prejudgment Attachment of Assets as to Defendant Marvin Moy, M.D.; and (4) Affidavit of Michael Flaherty and accompanying exhibits in Support of Plaintiffs' Motion for Prejudgment Attachment of Assets as to Defendant Marvin Moy, M.D. upon the following via electronic mail, where applicable, with hard copies to follow via U.S. Mail:

William A. Weiner, D.O. and Nexray Medical Imaging, P.C. d/b/a Soul Radiology Medical Imaging c/o Matthew J. Conroy Robert E. B. Hewitt, III Schwartz, Conroy & Hack, PC 666 Old Country Road Suite 900 Garden City, NY 11530 mjc@schlawpc.com reh@schlawpc.com	c/o Ryan W. Lawler Zachary J. Turquand Kevin M. Brown Carli M. Aberle Mintz & Gold LLP 600 Third Ave., 25th Floor New York, New York 10016 lawler@mintzandgold.com turquand@mintzandgold.com brown@mintzandgold.com aberle@mintzandgold.com
Marvin Moy, M.D. c/o Eric M. Creizman, Esq. and Melissa Madrigal, Esq. Morrison Cohen LLP 909 Third Avenue 27th Floor New York, NY 10022 ecreizman@morrisoncohen.com mmadrigal@morrisoncohen.com	Marvin Moy, M.D. 359 East 68th Street Apt. 7B New York, NY 10065

I, Michael W. Whitcher, hereby certify that on February 15, 2024, I also served copies of the foregoing papers upon the following via in-hand service:

Rutland Medical P.C. d/b/a MedicalNow
c/o New York Department of State
1 Commerce Plaza
99 Washington Avenue
Albany, NY 12231

Date: February 15, 2024

/s/ Michael W. Whitcher

Michael W. Whitcher